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*Attorneys for Plaintiff*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
EUGENE DIVISION**

**JENNIFER JOY FREYD,**

Plaintiff,

vs.

**UNIVERSITY OF OREGON, MICHAEL  
H. SCHILL and HAL SADOFSKY,**

Defendants.

**Case No. 6:17-CV-00448-MC**

**DECLARATION OF WHITNEY STARK IN  
SUPPORT OF PLAINTIFF'S OPPOSITION  
TO DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT**

I, Whitney Stark, declare and state as follows:

1. Exhibit 1 is a true and correct copy of a letter from Ulrich Mayr to Andrew Marcus and Hal Sadofsky dated May 1, 2018.
2. Exhibit 2 is a true and correct copy of the April 25, 2017 nomination of Dr. Jennifer Freyd for the 2017 Wayne Westling Award by John E. Bonine and Greg Bryant.
3. Exhibit 3 is a true and correct copy of excerpts from the certified transcript of the deposition of Andrew Marcus taken on November 1, 2018.

4. Exhibit 4 is a true and correct copy of an email from Jennifer Freyd to Ulrich Mayr dated May 4, 2014.

5. Exhibit 5 is a true and correct copy of an email from Ulrich Mayr to Jennifer Freyd dated May 5, 2014.

6. Exhibit 6 is a true and correct copy of excerpts from the certified transcript of the deposition of Ulrich Mayr taken on June 13, 2018.

7. Exhibit 7 is a true and correct copy of emails and attachments between Ulrich Mayr and Jennifer Freyd dated May 12, 2016.

8. Exhibit 8 is a true and correct copy of an email and its attachments from Dare Baldwin to Ulrich Mayr and multiple recipients, dated April 23, 2015.

9. Exhibit 9 is a true and correct copy of an email from Sanjay Srivastava to the University of Oregon Psychology Faculty dated May 26, 2015.

10. Exhibit 10 is a true and correct copy of Jennifer Freyd's sixth year post-tenure review from Ulrich Mayr to Andrew Marcus and Hal Sadofsky dated April 3, 2015.

11. Exhibit 11 is a true and correct copy of emails between Jennifer Freyd and Hal Sadofsky, dated May 28, 2015 and May 29, 2015.

12. Exhibit 12 is a true and correct copy of excerpts from the certified transcript of the deposition of Hal Sadofsky taken on June 18, 2018.

13. Exhibit 13 is a true and correct copy of an email from Jennifer Freyd to Andrew Marcus dated July 27, 2016, as well as Hal Sadofsky's email to Andrew Marcus and Jennifer Freyd dated August 5, 2016.

14. Exhibit 14 is a true and correct copy of the University of Oregon's Department of Psychology Self Study (2005 – 2016), written and coordinated by Dare Baldwin, Ulrich Mayr, and Daryn Blanc-Goldhammer.

15. Exhibit 15 is a true and correct copy of Jennifer Freyd's Notice of Appointment and Contract with the University of Oregon, dated March 20, 2017.

16. Exhibit 16 is a true and correct copy of a Review of the Department of Psychology at the University of Oregon, written by Richard Ivy and James W. Pennebaker, dated June 23, 2016.

17. Exhibit 17 is a true and correct copy of emails between Holly Arrow, Jennifer Freyd, and the University of Oregon Psychology Department faculty and graduate students, dated April 30, 2016.

18. Exhibit 18 is a true and correct copy of an email from Sanjay Srivastava to Jennifer Fryd dated January 6, 2017.

19. Exhibit 19 a true and correct copy of an email from Scott Pratt to Jennifer Freyd dated November 16, 2018.

20. Exhibit 20 is a true and correct copy of Jennifer Freyd's Merit Report dated October 2016.

22. Exhibit 22 is a true and correct copy of a memorandum from Ulrich Mayr to Hal Sadofsky and Andrew Marcus dated December 6, 2016.

23. Exhibit 23 is a true and correct copy of an email from Ulrich Mayr to the Listserv "Psychlist" dated January 6, 2017.

24. Exhibit 24 is a true and correct copy of an email between Ulrich Mayr and Hal Sadofsky dated December 23, 2016.

25. Exhibit 25 is a true and correct copy of relevant excerpts of the 2015 and 2018 Collective Bargaining Agreements between the University of Oregon and United Academics, AAUP/AFT, AFL-CIO.

26. Exhibit 26 is true and correct copy of excerpts from the certified transcript of the deposition of Scott Coltrane taken on June 15, 2018.

27. Exhibit 27 is a true and correct copy of a letter from Ron Bramhall to Scott Coltrane and College Deans dated November 19, 2013.

28. Exhibit 28 is a true and correct copy of the Department of Psychology's Tenure-Track Faculty Professional Responsibilities dated March 3, 2017.

29. Exhibit 29 is a true and correct copy of an Excel workbook and its individual spreadsheets (tabs) as produced by Defendants, which includes Psychology Department salary and stipend data from 2007 – 2018.
30. Exhibit 30 is a true and correct copy of Gordon Hall's sixth year post-tenure review from Ulrich Mayr to Andrew Marcus and Dana Johnston dated April 16, 2014.
31. Exhibit 31 is a true and correct copy of excerpts from the certified transcript of the deposition of Michael Schill taken on June 20, 2018.
32. Exhibit 32 is a true and correct copy of the University of Oregon Policy regarding faculty merit increase factors dated February 1, 2018.
33. Exhibit 33 is a true and correct copy of a compilation of documents showing the merit rankings of professors in UO's Psychology Department. The first page of the exhibit is a chart created by Plaintiff's counsel that compiles the merit ranking of each professor from the previous ten year. All of the data from the chart is from the subsequent pages in the exhibit, which were produced by Defendants. The exhibit includes a true and correct copy of UO-Freyd 010660 (2006), UO-Freyd 010690 (2013), UO-Freyd-12190 (2014), Exhibit 75 to the deposition of Srivastava (2017), and Exhibit 11 to the deposition of Mayr (2018).
34. Exhibit 34 is a true and correct copy of the Department of Psychology's Policies and Procedures dated April 16, 2014, Merit/Retention amendments 2015 and 2017.
35. Exhibit 35 is a true and correct copy of the Department of Psychology's Review, Promotion and Tenure Procedures and Guidelines, effective 2017.
36. Exhibit 36 is a true and correct copy of emails between Darci Heroy and Jennifer Freyd from May 3, 2016 to May 19, 2016.
37. Exhibit 37 is a true and correct copy of a redacted email from Penny Daugherty to Darci Heroy dated February 10, 2017.
38. Exhibit 38 is a true and correct copy of excerpts from the certified transcript of the deposition of Sanjay Srivastava taken on June 19, 2018.

39. Exhibit 39 is true and correct copy of excerpts from the certified transcript of the deposition of Jody Shipper taken on June 19, 2018.
40. Exhibit 40 is a true and correct copy of notes taken by the University of Oregon's investigator, Jody Shipper, during a phone call with Ulrich Mayr.
41. Exhibit 41 is an University of Oregon Faculty Retention Salary Adjustment memorandum dated January 30, 2014.
42. Exhibit 42 is a true and correct copy of an email from Andrew Marcus to Hal Sadofsky dated July 8, 2017.
43. Exhibit 43 is a true and correct copy of a chart reflecting retention negotiations among in the Psychology Department from 2007 through 2017.
44. Exhibit 44 is a true and correct copy of a letter from Andrew Marcus, Brad Shelton and Ulrich Mayr to Phil Fisher dated June 2, 2015.
45. Exhibit 45 is a true and correct copy of a letter from Ulrich Mayr, Andrew Marcus and David Conover to Nick Allen dated February 9, 2017.
46. Exhibit 46 is a true and correct copy of a letter from Ulrich Mayr, Andrew Marcus and David Conover to Phil Fisher dated February 28, 2018.
48. Exhibit 48 is a true and correct copy of an email from Ulrich Mayr to Hal Sadofsky dated April 5, 2017.
49. Exhibit 49 is a true and correct copy of an email and attached letter from Dare Baldwin to Ulrich Mayr dated April 4, 2017.
50. Exhibit 50 is a true and correct copy of an email and its attachments from David Conover to Ulrich Mayr and Hal Sadofsky dated January 25, 2017.
51. Exhibit 51 is a true and correct copy of an email from Ulrich Mayr to Nick Allen dated January 30, 2017.
52. Exhibit 52 is a true and correct copy of an email from Elliot Berkman to Ulrich Mayr and Hal Sadofsky dated October 9, 2017.

53. Exhibit 53 is a true and correct copy of excerpts from the certified transcript of the deposition of Jennifer Freyd taken on February 14, 2018.

54. Plaintiff requested all documents related to retention negotiations through discovery in requests for production. Plaintiff's counsel has done a thorough review of the produced documents and is unaware of any discussions of equity in any of the correspondence or documents produced by Defendants.

55. Plaintiff requested all salary and retention data for the Psychology Department throughout the entire time of Plaintiff's employment through discovery in requests for production. In particular, Plaintiff's request for production number 5 sought all documents relating to any retention or pre-emptive retention salary adjustment requested or granted for a faculty member in the Psychology Department at any time since 1992.

In response to Plaintiff's request Defendants objected on numerous grounds, including that the request was overbroad in time and sought irrelevant information. Through conferral, Defendants agreed to produce only information dating back to May 2007. In one email explaining their refusal to go back farther, Defendants' counsel stated to Plaintiff's counsel: "[I]nformation dating back to May 2007 already far exceeds the applicable statute of limitations for Plaintiff's claims, and information dating back to the beginning of Professor Freyd's employment is not encompassed by the legal scope of her claims."

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Dated: December 14, 2018

**ALBIES & STARK**

By: s/ Whitney Stark  
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